

## Message Text

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ORIGIN IO-13

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E.O. 11652: N/A

TAGS: PFOR, ETEL, ITU, VN

SUBJECT: ITU: MEMBERSHIP OF SOCIALIST REPUBLIC OF VIETNAM

REFS: A) GENEVA 9712 B) GENEVA 6836

1. WE DO NOT WISH TO MAKE A CONTENTIOUS ISSUE OF THE SRV CLAIM TO ITU MEMBERSHIP AS THE SUCCESSOR STATE TO THE REPUBLIC OF VIETNAM, BUT WE QUESTION WHETHER ITU SECRETARIAT HAS AUTHORITY TO MAKE FINAL DETERMINATION REGARDING SRV APPLICATION WITHOUT CONSULTING MEMBER STATES.

2. THE ITU CONVENTION OF 1973 (MALAGA - TORREMOLINOS) CONTAINS NO PROVISIONS FOR SUCCESSOR STATES. AS YOU ARE AWARE,  
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THE REPUBLIC OF VIETNAM SIGNED (BUT DID NOT RATIFY) THIS CONVENTION AND IS LISTED IN ANNEX I. ARTICLE I(1)(A) STATES THAT A COUNTRY LISTED IN ANNEX I WHICH SIGNS AND RATIFIES, OR ACCEDES TO, THE CONVENTION, SHALL BE A MEMBER; SINCE IT DID NOT RATIFY, SOUTH VIETNAM ARGUABLY NEVER PERFECTED MEMBERSHIP TO WHICH SRV CAN SUCCEED. MOREOVER,

ARTICLE I(1)(C) PROVIDES THAT A COUNTRY WHICH IS NOT LISTED IN ANNEX I AND IS NOT A UN MEMBER (E.G., THE SRV) MAY BECOME A MEMBER UPON ACCEDING TO CONVENTION AFTER SECURING APPROVAL OF TWO-THIRDS OF ITU MEMBERS. ARTICLE I(2) DIRECTS THE SECRETARY-GENERAL TO CONSULT WITH ITU MEMBERS IF SUCH AN

APPLICATION IS MADE IN BETWEEN PLENIPOTENTIARY CONFERENCES.

3. NOTWITHSTANDING SECRETARIAT FINDING (REF B) THAT VIETNAM AS A WHOLE MAY ORIGINALLY HAVE BEEN ACCEPTED AS AN ITU MEMBER IN 1950, MEMBERSHIP HAS SINCE BEEN CARRIED IN NAME OF REPUBLIC OF VIETNAM, AND NORTH VIETNAM DID NOT JOIN OR PARTICIPATE FROM 1954-76. ACCORDINGLY, WE BELIEVE THERE IS SUFFICIENT UNCERTAINTY ABOUT THIS MATTER TO REQUIRE CLARIFICATION.

4. TO PUT OUR POSITION ON RECORD WITH RESPECT TO SRV MEMBERSHIP, YOU SHOULD INQUIRE OF ITU SECRETARY-GENERAL IN LOW KEY MANNER WHETHER IN HIS VIEW ARTICLE I(1)(C) AND I(2) APPLIES TO SRV APPLICATION, AND IF HE RESPONDS IN THE NEGATIVE, YOU SHOULD ASK THE BASIS FOR THAT DETERMINATION.

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, TELECOMMUNICATION, MEMBERSHIP APPLICATIONS  
**Control Number:** n/a  
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**Draft Date:** 20 DEC 1976  
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**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** saccheem  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Disposition Reason:**  
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